

Yitai Hu (SBN 248085) (yitai.hu@alston.com)  
 Sean P. DeBruine (SBN 168071) (sean.debruine@alston.com)  
 C. Augustine Rakow (SBN 254585) (augie.rakow@alston.com)

**ALSTON + BIRD LLP**

Two Palo Alto Square  
 3000 El Camino Real, Suite 400  
 Palo Alto, California 94306  
 Telephone: 650-838-2000  
 Facsimile: 650-838-2001

T. Hunter Jefferson (admitted pro hac vice) (hunter.jefferson@alston.com)

**ALSTON + BIRD LLP**

One Atlantic Center  
 1201 West Peachtree Street  
 Atlanta, GA 30309-3424  
 Telephone: 404-881-7333  
 Facsimile: 404-253-8863

Attorneys for Plaintiff and Counterdefendant  
 ELAN MICROELECTRONICS CORPORATION

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

ELAN MICROELECTRONICS  
 CORPORATION,

Plaintiff,

v.

APPLE, INC.,

Defendant.

) Case No. C-09-01531 RS (PVT)

) **ELAN'S NOTICE OF WITHDRAWAL OF**  
 ) **MOTION TO COMPEL PRODUCTION OF**  
 ) **SOURCE CODE DOCUMENTS PER**  
 ) **PATENT L.R. 3-4(A)**

) Date: February 17, 2010

) Time: 9:30

) Courtroom: Courtroom A, 15<sup>th</sup> Floor

) Judge: Hon. James C. Spero

) JURY TRIAL DEMANDED

AND RELATED COUNTERCLAIMS

TO DEFENDANT AND COUNTERCLAIMANT APPLE, INC.:

PLEASE TAKE NOTICE THAT Plaintiff Elan Microelectronics Corporation hereby withdraws its Motion to Compel Production of Source Code Documents filed January 13, 2010, Dkt. 47, based on Apple's representation that it has made its source code available for inspection at the Boston and

1 Redwood Shores offices of its outside counsel, Weil Gotshal & Manges, LLP.

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3 Dated: January 25, 2010

ALSTON + BIRD LLP

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5 By: /s/

6 Sean P. DeBruine  
7 Attorneys for Plaintiff and Counterdefendant  
8 ELAN MICROELECTRONICS CORPORATION  
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